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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DANG, KHANH

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,104	<b>Applicant(s)</b> LAIHO, KIMMO	
	<b>Examiner</b> Khanh Dang	<b>Art Unit</b> 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-10,12-14 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7-10, 12-14 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

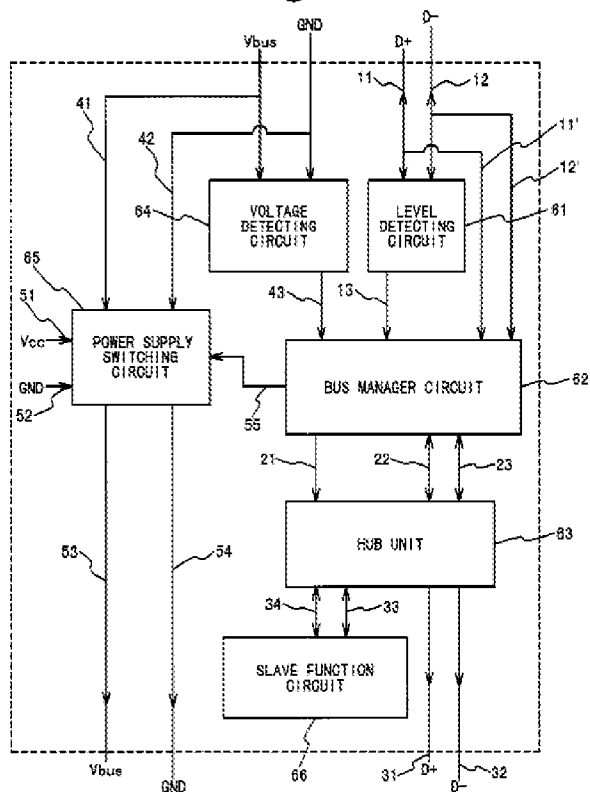
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 7-10, 14, and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Oguma (6516205, cited by Applicants).

**The rejection outlined in a previous Office Action is reproduced below. New limitations added to the claims by the 4/24/2008 amendment, is fully addressed below under "Response to Argument."**

With regard to claim 1, Oguma discloses a device operable as a host device (as shown generally in Fig. 3, which is reproduced below for ease of convenience and reference, the portable device comprises a bus manager circuit can be operable as a host device)

Fig. 3



comprising: a port connected to a bus (as shown in Fig. 3, USB port of the portable device provides connection to the USB bus comprising Vbus, GND), means for detecting the presence of another host connected to the bus and for relinquishing host status in response thereto (the voltage detecting circuit 64 is readable as the so-called “means for detecting.” When the detecting circuit 64 detects presence of another host 1 connected to the USB bus, the host status of the portable device is relinquished. See at least column 2, lines 39-57, column 4, line 65 to column 6, line 17).

With regard to claim 2, the host provides power supply for providing a supply voltage on a voltage supply line (Vbus GND) of the bus.

With regard to claim 4, it is clear from discussion above that the voltage detecting circuit detects a change in voltage on a voltage supply line of the bus, thereby detecting the presence of the other host. See at least column 2, lines 39-57, column 4, line 65 to column 6, line 17).

With regard to claim 5, it is clear from discussion above that the change is an increase.

With regard to claim 7, as best the Examiner can ascertain from the language of the claim, in Oguma, the portable device is arranged for causing at least some lines Vbus GND, D lines of the port to be forced tri-state such as suspended, active, and unavailable states, on detecting the presence of another host.

With regard to claim 8, according to USB standard, upon discover a connected host, a reset signal is sent to a USB slave.

With regard to claim 9, see discussion above and at least column 2, lines 39-57, column 4, line 65 to column 6, line 17.

With regard to claim 10, see discussion above regarding claims 1 and 6 and at least column 2, lines 39-57, column 4, line 65 to column 6, line 17.

With regard to claim 14, see discussion above regarding claim 1.

With regard to claim 17, see discussion above.

With regard to claim 18, it is clear that a USB slave can be connected to the portable device. See at least Fig. 1.

With regard to claims 19-22, see discussion above regarding claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

As discussed above, Oguma discloses the claimed invention except for the inclusion of the bus manager circuit responsible for providing a host status to the portable device, to a battery pack for providing power supply to the portable device 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the bus manager responsible for providing the host status to the portable device, to the battery pack of the portable device, since the battery pack is always an integral part of the portable device as evidenced by at least Chandley

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(7,349,689), and further moving the manager circuit to the battery pack only involves ordinary skill in the art.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

As discussed above, Oguma discloses the claimed invention including the use of a portable device such as a portable phone.

However, Oguma does not disclose that the portable device is capable of receiving video broadcast.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the portable device with capability of receiving video broadcast, since providing a portable device such as a portable or mobile phone with a capability of receiving video broadcast is old and well-known and only involves ordinary skill in the art as evidenced by at least Chandley (7,349,689). As a matter of fact, every smart phone is able to connect to the internet for downloading audio and video contents.

### ***Response to Arguments***

Applicants' arguments filed 01/22/2009 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re*

*Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). As a matter of fact, the “examiner has the duty of police claim language by giving it the broadest reasonable interpretation.” *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986). With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

**The 112 ( first paragraph) Rejection:**

The rejection under section 112, 1<sup>st</sup> paragraph is withdrawn.

**The 112 ( second paragraph) Rejection:**

The rejection of claims 7 and 21 under section 112, 2nd paragraph is withdrawn.

**The 102 Rejection:**

With regard to claims 1, 2, 4, 5, 7-10, 14, and 17-22, Applicants have argued that “[a]s discussed at pages 7-8 of Applicants' "Amendment And Request For Reconsideration" dated November 6, 2008, Oguma at col. 3, line 48 - col. 4, line 62 and Figure 3 describe an automatic switching mechanism incorporated in a portable

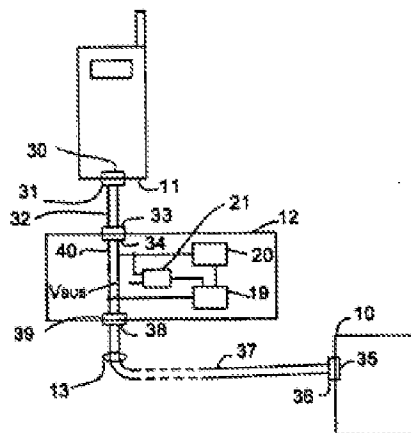


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phone as a mobile terminal. Oguma fails to disclose the above-noted features of claim 1, with respect to the automatic switching mechanism described in Oguma, for reasons substantially similar to those discussed at pages 6-8 of Applicant's Amendment dated April 24, 2008. In short, even if the upstream port (e.g., D+ 11, D- 12, Vbus 41, and GND 42) of Oguma could appropriately be analogized to the recited first port, and the downstream port (e.g., D+ 31, D- 32, Vbus 53, and GND 54) of Oguma could appropriately be analogized to the recited second port, Oguma fails to disclose features related to a bus passing a signal directly from the upstream port to the downstream port as recited in claim 1. Instead, Oguma imposes intervening components and circuits (which include bus manager circuit 62, hub unit 63, and power supply switching circuit 65) to perform any sort of pass-through function. The Office Action at pages 12-17 cites to a definition of a USB Hub as provided by a Wikipedia article ('Definition of USB Hub by Wikipedia.com') in contending that a USB hub is essentially transparent. As discussed during the interview, the Wikipedia article relied upon by the Examiner is undated, and includes a citation to a reference that postdates the priority date of the instant application. See the Wikipedia article at page 9, citing to USB Technology: Multi-TT Hub Goes Head-to-Head With Single-T, Tom 's Hardware UK and Ireland URL last accessed on August 24, 2006. As such, the Examiner's reliance on the Wikipedia article is improper to the extent it relies on knowledge developed after the instant application's priority date. Furthermore, as discussed during the interview, the Wikipedia article indicates that a USB hub is essentially transparent. See the Wikipedia article at page 7. Notably, the Wikipedia article does not disclose

that a USB hub is transparent. Thus, the Wikipedia article strongly suggests that a USB hub does not facilitate a direct connection between the upstream and downstream ports (e.g., the alleged first and second ports recited in claim 1)."

In response to Applicants' argument, at the outset, Applicants' Fig. 3 is reproduced below for comparison.



**Figure 3**

As shown in Applicants' Fig. 3, element 12 is the so-called "device operable as a host device," element 33 is the "first port," element 38 is the "second port," element 19 is the "host module," element 20 is a "comparator," and element 10 is the so-called "host externally connected to the bus."

Thus, contrary to Applicants' argument, Fig. 3 of Oguma, which is reproduced below for ease of reference and comparison, shows the so-called "device operable as a host." Further as shown in Fig. 3, the device includes a USB bus comprising Vbus,

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GND, D+, and D-. The device further comprises a first upstream port connected directly to the USB bus; and a second downstream port connected directly to the same USB bus running from the first upstream USB port to the second downstream USB port. The device as shown in Fig. 3 of Oguma also shows the so-called "host module" or bus manager circuit 62 connected directly to the same USB bus; and the "comparator" or voltage circuit 64 detecting coupled to the same USB bus to detect the presence of a host externally connected to the USB bus. A voltage detecting circuit basically comprises a voltage comparator for comprising a supply voltage with a reference voltage (VREF) to detect a change in voltage or a difference between supply voltage and reference voltage. Further, as noted above, a USB bus comprises Vbus, GND, D+, and D-. It is also important to note that Applicants' Fig. 3 shows a Vbus line, and other lines are grouped together as line 40.

The diagram illustrates a power supply system for a slave device, enclosed in a dashed box. The system includes the following components and connections:

- POWER SUPPLY SWITCHING CIRCUIT (65):** Receives  $V_{cc}$  (51) and  $GND$  (52) inputs. It is connected to the  $V_{bus}$  (53) output line.
- BUS MANAGER CIRCUIT (62):** Receives  $V_{bus}$  (43) and  $GND$  (44) inputs. It is connected to the  $V_{bus}$  (54) output line and the  $D+$  (21) and  $D-$  (23) data lines.
- VOLTAGE DETECTING CIRCUIT (64):** Receives  $V_{bus}$  (42) and  $GND$  (43) inputs. It is connected to the  $V_{bus}$  (54) output line.
- LEVEL DETECTING CIRCUIT (61):** Receives  $D+$  (11) and  $D-$  (12) inputs. It is connected to the  $D+$  (22) and  $D-$  (23) data lines.
- HUB UNIT (63):** Receives  $D+$  (22) and  $D-$  (23) inputs. It is connected to the  $D+$  (31) and  $D-$  (32) data lines.
- SLAVE FUNCTION CIRCUIT (66):** Receives  $D+$  (34) and  $D-$  (33) inputs.

The system is powered by  $V_{bus}$  and  $GND$  lines, which are connected to the external power supply and ground. The data lines  $D+$  and  $D-$  are connected to the bus manager circuit, the hub unit, and the slave function circuit.

Further, Applicants have argued that “Oguma imposes intervening components and circuits (which include bus manager circuit 62, hub unit 63, and power supply switching circuit 65) to perform any sort of pass- through function.” In response to Applicants’ argument, at the outset, it is noted that Applicants have acknowledged that the signal is indeed passed through from host to device without any modification to the signal. **As a matter of fact, Oguma clearly discloses that the bus manager circuit 62 only passes the USB signals. See column 4, lines 18-22.** Thus, USB data are communicated between the slave function circuit 66, the host personal computer 1, and the third external device 6 via the USB hub unit 63. In any event, the USB Hub is simply used to increase the number of USB ports; and USB data passes through the USB hub

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unchanged. As a matter of fact, the USB hub, by definition, is essential transparent.

What is sent by the host is received by the device. See definition of USB Hub provided by Wikipedia, cited below. Thus, it is clear that the bus manager circuit 62 as well as the hub 63 allow the USB data to pass through directly from the host to the device without any USB signal intervention and/or modification. In other words, the USB data bus passes the USB signal directly from the first port to the second port (the ports are used to connect the host to the device) in response to the relinquishment of host status. It is still the Examiner's position that the definition on Wikipedia is just a quick and convenience way to point out to Applicants the fact USB Hub is a notoriously old and well-known device, and that USB Hub, by definition, is essentially transparent and must meet all requirements set forth and defined in the USB specification. Referring again to Wikipedia document, the definition of USB Hub is also based on the "Universal Serial Bus Specification," which exists as early as 4/27/2000 (see "USB 2.0 specification" under "References). In other words, contrary to Applicants' argument that the USB Hub was "developed after the instant application's priority date," the USB Hub exists as early as 4/27/2000.

### **The 103 Rejection:**

Applicants did not separately argue against the 103 Rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dang whose telephone number is 571-272-3626.

The examiner can normally be reached on Monday-Friday from 9:AM to 5:PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Khanh Dang/

Primary Examiner, Art Unit 2111